

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

CHARLES TWAIN CLEMANS, Jr.,	)	Civil No.07cv1162 WQH (PCL)
	)	
Petitioner,	)	
v.	)	<b>ORDER GRANTING PETITIONER AN</b>
	)	<b>EXTENSION OF TIME TO FILE</b>
JAMES A. YATES, Warden, et al.,	)	<b>ANOTHER RESPONSE TO</b>
	)	<b>RESPONDENTS' MOTION TO</b>
Respondents.	)	<b>DISMISS</b>
	)	
	)	<b>ORDER DENYING MOTION TO</b>
	)	<b>AMEND PETITION</b>
	)	
	)	[Doc. 13.]

Now before this Court is Petitioner's request for an extension of time to file another response to Respondents' Motion to Dismiss. (Doc. 13.) Petitioner has been represented by counsel, but he wishes to fire his attorney and proceed pro se from this point on in this case. (Id.) His attorney already has filed a response to Respondents' Motion. (Doc. 8.) In the interest of justice, the Court **GRANTS** Petitioner's motion to file another response to the Motion to Dismiss. It is ordered that Petitioner shall have until **February 28, 2008** to file the response. Respondents shall have until **March 13, 2008** to file any reply.

In the instant motion, Petitioner also requested leave of court to amend his habeas petition. (Doc. 13, at 2.) However, Petitioner has not filed the proposed second amended petition along with his

1 motion. Thus, Petitioner's request to amend his petition is **DENIED** at this time. Petitioner may file a  
2 new motion to amend provided that he fully complies with the following directions. First, he must  
3 submit a proposed second amended petition for writ of habeas corpus along with his motion to amend.  
4 Second, the proposed second amended petition must have attached to it all documents referred to in it.  
5 The court will not search through the file to find other documents and assemble a coherent petition.  
6 Third, the second amended petition must provide a complete and sequential list of all claims petitioner  
7 is asserting in this action (e.g., claim 1, claim 2, etc.). Fourth, the motion to amend must explain (a)  
8 which of the claims in the second amended petition were not included in the original petition filed on  
9 June 27, 2007 and (b) why the new claims were not included in the original petition.  
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11  
12 Should Petitioner choose to file a proposed second amended petition, he must file and serve his  
13 motion to amend along with the proposed petition no later than **February 28, 2008**. The deadline will  
14 not be extended; if the documents are not filed by that deadline, the action will go forward with only the  
15 claims that were asserted in the original petition. Respondents must file and serve any opposition to the  
16 motion to amend no later than **March 13, 2008**. Petitioner must file and serve his reply brief, if any, in  
17 support of his motion no later than **March 27, 2008**. The court will then consider whether to accept or  
18 reject the proposed petition in accordance with Rule 15(a) of the Federal Rules of Civil Procedure and  
19 relevant case law.  
20

21 IT IS SO ORDERED.

22 Dated: January 28, 2008

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24 

25 Peter C. Lewis  
26 U.S. Magistrate Judge  
27 United States District Court

28 cc: The Honorable Hayes; all counsel of record